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☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
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City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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Here

1/20/17

Richard Relch

T + B Blending + Tech

180 Nichol Ave, URIE Bldg 163/164

Mckees Rocks, PA 15136

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Important Reminders:

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In Reply Refer To Mail Code: 3LC62

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 20 2017

Richard Pelot, President
J & B Blending And Tech
180 Nichol Avenue, M.R.I.E. Bldg. 163/164
Mckees Rocks, Pennsylvania 15136

Re: Consent Agreement and Final Order
EPA Docket No.: FIFRA-03-2017-0034

Dear Richard Pelot:

Enclosed is a copy of the EXPEDITED CONSENT AGREEMENT AND FINAL ORDER (CAFO) filed today with the Regional Hearing Clerk settling the matter referenced above.

Thank you for your help in resolving the case. Should you have any questions or concerns, please feel free to contact me at (215) 814-2170.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly S. Raguza".

Holly S. Raguza
Pesticides/Asbestos Enforcement Officer

Enclosures



**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:)	DOCKET NO. FIFRA-03-2017-0034
)	
J &B BLENDING AND TECH)	CONSENT AGREEMENT
180 NICHOL AVENUE)	NOTABLY LATE OR NON REPORTING
M.R.I.E BLDG 163/164)	
MCKEES ROCKS, PA 15136)	
)	
Respondent)	

EXPEDITED CONSENT AGREEMENT

1. This Expedited Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III ("EPA" or "Complainant") and J &B Blending And Tech ("Respondent"), pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), *as amended*, 7 U.S.C. § 136l(a), and Sections 22.13(b) and .18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. § 22.13(b) and .18(b). This Consent Agreement ("CA") and the attached Final Order (hereinafter jointly referred to as the "CAFO") resolve Complainant's civil penalty claims against the Respondent under FIFRA arising from the violation of FIFRA alleged herein.
2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating a registered pesticides-producing establishment to inform EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which it is producing, which it has produced during the past year, and which it has sold or distributed during the past year. The information required by this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe. The regulation found at 40 C.F.R. § 167.85(d) requires such pesticides report to be filed annually on or before March 1, even if the producer has produced no pesticidal products for that reporting year.
3. The EPA is authorized to enter into this CAFO, pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, *as amended*, 7 U.S.C. § 136l(a) ("FIFRA"), 40 C.F.R. § 167.85 and 40 C.F.R. § 22.13(b) and in accordance with the July 22, 2014 *FIFRA Section 7 Expedited Settlement Agreement Pilot Program*, which has been extended by the EPA until January 22, 2017.
4. EPA finds that Respondent is a "person," a "producer" and operates an "establishment",

RECEIVED
JAN 20 AM 10:34
REGIONAL HEARING OFFICE
REGION III, PHILA. PA.

as those terms are defined in Sections 2(s), (w), and (dd) of FIFRA, 7 U.S.C. §§ 136(s), (w), and (dd), and 40 C.F.R. § 167.3, at 180 Nichol Avenue, M.R.I.E. Bldg. 163/164, McKees Rocks, Pennsylvania 15136. This Establishment is registered with EPA under Establishment Number 68460-PA-001.

5. Respondent has failed to comply with Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and with the regulations found at 40 C.F.R. § 167.85(d) in that it did not file the 2015 annual pesticides report for the above facility by March 1, 2016, as required.
6. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this CAFO.
7. Except as provided in Paragraph 6 herein, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO.
8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of this CAFO.
9. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this CA and any right to appeal the attached Final Order.
10. Respondent consents to the issuance of this CAFO and agrees to comply with its terms and conditions.
11. Each Party to this CAFO shall bear its own costs and attorney's fees.
12. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that to the best of Respondent's knowledge, it is presently in compliance with all requirements of FIFRA, 7. U.S. C. *et seq.*, and all regulations promulgated thereunder.
13. Under EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements*, updated May 2010, EPA may reduce a civil penalty to zero when a producer who has failed to submit a timely production report under Section 7(c)(1) of FIFRA reports no pesticide production and requests termination of the establishment's registration number within 20 days after receiving written notification of the violation by EPA.
14. In correspondence provided within 20 days of receiving EPA's notice of the violation alleged herein, Respondent reported that it produced no pesticides at the establishment located at 180 Nichol Avenue, M.R.I.E. Bldg. 163-164, McKees Rocks, Pennsylvania in calendar year 2015, and requested that the establishment registration number EPA Est. No.: 68460-PA-001 be terminated.

15. The parties enter into this Consent Agreement in order to settle the civil violation(s) alleged above. Pursuant to the Consolidated Rules of Practice, and in consideration of the statutory factors set forth in FIFRA Section 14(a)(4), 7 U.S.C. Section 1361(a)(4), EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements* ("ERP"), updated May 2010, 40 C.F.R. Part 19, and the July 22, 2014 *FIFRA Section 7 Expedited Settlement Agreement Pilot Program*, extended until January 22, 2017, EPA has determined that an appropriate civil penalty to settle this action is **\$0**.

16. This CAFO settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of FIFRA or any other federal statute or regulation.

17. Nothing in this CAFO is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this CAFO shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

18. This CAFO is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this CAFO shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this CAFO is effective upon filing with the Regional Hearing Clerk.

19. The undersigned representative certifies that he is fully authorized to execute this Consent Agreement and to legally bind J & B Blending And Tech to this CAFO.

APPROVED BY:

Name (Print): Rich Pelot

Title (Print): Pres

Signature: [Handwritten Signature]

Date: 12-8-14

FOR COMPLAINANT:

Holly Ragusa
Holly Ragusa
Pesticides Enforcement Officer
U.S. EPA Region III

Date: 1/5/2017

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

1.13.17
Date

[Handwritten Signature]
John A. Armstead, Director
Land and Chemicals Division

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

**J &B BLENDING AND TECH
180 NICHOL AVENUE, M.R.I.E. BLDG.
163/164
MCKEES ROCKS, PENNSYLVANIA
15136**

Respondent.

EPA Docket No. FIFRA-03-2017-0034

FINAL ORDER

**Proceeding under Section 14(a) of the
Federal Insecticide, Fungicide and
Rodenticide Act, 7 U.S.C. § 136l(a)**

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, have executed a document entitled "Expedited Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.


Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's December 2009

FIFRA Enforcement Response Policy Federal Insecticide, Fungicide, Rodenticide Act, and the and the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4).

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136l(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***ZERO DOLLARS (\$0.00)***, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Jan. 18, 2017
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Subject: Federal Insecticide, Fungicide, and Rodenticide Act
J & B Blending And Tech
Docket No. FIFRA-03-2017-0034
Expedited Consent Agreement and Final Order

From: Mary Coe
Regional Counsel (3RC00)

John A. Armstead, Director
Land and Chemicals Division (3LC00)

To: Joseph J. Lisa
Regional Judicial Officer (3RC00)

The attached Expedited Consent Agreement has been negotiated pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, with specific reference to 40 C.F.R. § 22.18(b)(2), in settlement of an alleged violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136 *et seq.*, by J & B Blending And Tech.

The FIFRA Expedited Settlement Agreement program was extended for an additional six (6) months by email dated Wednesday, July 20, 2016 6:25 PM, from Greg Sullivan, Acting Director Waste and Chemical Enforcement Division, U.S. EPA, OECA, OCE. The policy is in effect until January 22, 2017.

The terms of the settlement include a civil penalty of ZERO DOLLARS (\$0.00), calculated in accordance with the statutory factors of FIFRA Section 14(a), EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements* ("ERP"), updated May 2010, and 40 C.F.R. Part 19.

We concur with the terms of the attached Expedited Consent Agreement and we recommend that you sign the Final Order, in accordance with the Consolidated Rules at 40 C.F.R. § 22.18(b)(3).

Respondent's contact information is as follows:

Name: Richard Pelot, President
Phone: (412) 480-7709
Email: RJP3313@gmail.com

cc: Richard Pelot, President

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:

J & B BLENDING AND TECH
180 NICHOL AVENUE
M.R.I.E. BLDG. 163/164
MCKEES ROCKS, PA 15136

Respondent

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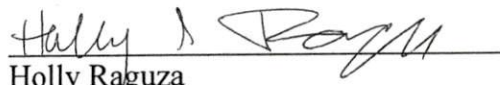
DOCKET NO. FIFRA-03-2017-0034

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Expedited Consent Agreement and Final Order for the above-referenced matter were hand-delivered to the Regional Hearing Clerk, EPA Region III, and that true and correct copies were mailed via certified mail to the following person(s):

Richard Pelot, President
J & B Blending And Tech
180 Nichol Avenue, M.R.I.E. Bldg. 163/164
Mckees Rocks, PA 15136

1/20/2017
Date


Holly Ragusa
Enforcement Officer
U.S. Environmental Protection Agency, Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE:

J & B BLENDING AND TECH
180 NICHOL AVENUE
M.R.I.E. BLDG. 163/164
MCKEES ROCKS, PA 15136

Respondent

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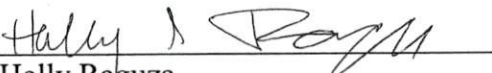
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Richard Pelot, President
J & B Blending And Tech
180 Nichol Avenue, M.R.I.E. Bldg. 163/164
Mckees Rocks, PA 15136

1/20/2017
Date


Holly Ragusa
Enforcement Officer
U.S. Environmental Protection Agency, Region III

180 Nichol. A
MRIE Bld
Pittsburgh, PA 15136



Received 12/19/10
(HSP)

Holly Raguza
U.S. EPA
1650 Arch St. (3LC62)
Philadelphia, PA 19103



Case Conclusion Data Sheet for FIFRA

ORC Completes Non-Shaded Sections
Program Office Complete Shaded Sections

(Revised 11/30/2015)

FY 2016 UPDATED FORMS, ALL OTHER FORMS ARE OBSOLETE
Matter involves claims by other regions? (Yes or No)

IF YOU HAVE A FIFRA SELF DISCLOSURE TO REPORT, PLEASE USE THE GENERIC CCDS FORM.

A. CASE AND FACILITY BACKGROUND

1. Regional Hearing Clerk Docket Number or Judicial Docket Number FIFRA-03-2017-0034

2. Respondent(s) or Defendant(s) (Enforcement Action) Name J & B Blending And Tech

3. Facility Name(s) J & B Blending And Tech

Do not complete fields marked with a *, if the Settlement Action Type is one of the following:

- ☐ CAFO
- ☐ Consent Decree or Court Order Resolving a Civil Judicial Action Lodged
- ☐ Consent Decree or Court Order Resolving a Civil Judicial Action Entered
- ☐ Enforceable Final Order Activity Producing Results
- ☐ Non-Lead Participants in Multi-Regional Case

4. Facility Address: (No P.O. Box) Street*: 180 Nichol Avenue, M.R.I.E. Bldg. 163/164 City*: Mckees Rocks County*: Allegheny
St*: Pennsylvania Zip*: 15136

(a) Latitude*: 40.47061 Longitude*: -80.0676

(b) Horizontal Collection Method*: Address Matching- House Number Reference Point*: Facility/Station Building Entrance or Street Address

Primary 6-Digit NAIC Code(s)*: 325199

(c) Federal Facility?* (Yes or No) circle, if Yes, √ option(s) below:

() Federal Facility Activity () No Federal Facility Involvement () Non-Federal Party Impacting Federal Property

(d) Federal Facility Activity Comment*: _____

5. Is this an Amendment? Yes or No

6. (a) EPA Lead Attorney None (3RC50) (b) EPA Technical Contact Holly Raguza (3LC62)

7. Does this settlement involve the Next Generation Compliance Tool? If yes, check the box. ☐
If box is check, complete the Comment field below:

8. Enforcement Action Type (section of statute that authorizes pursuit of penalty and/or injunctive relief) (select one):
☐ FIFRA 13A AO for Stop Sale, Use or Removal ☒ FIFRA 14A Action for Penalty

9. Law(s), Section(s) and Subsection(s) violated (check all that apply):

- | | |
|--------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> FIFRA 12A1A: Unregistered Pesticide | <input type="checkbox"/> FIFRA 12A2G: Misuse |
| <input type="checkbox"/> FIFRA 12A1B: Claim Difference | <input type="checkbox"/> FIFRA 12A2H: Contrary Use Experimental Permit |
| <input type="checkbox"/> FIFRA 12A1C: Composition Difference | <input type="checkbox"/> FIFRA 12A2I: Violate SSUR Order |
| <input type="checkbox"/> FIFRA 12A1D: Colored/Discolored | <input type="checkbox"/> FIFRA 12A2J: Violate Suspension Order |
| <input type="checkbox"/> FIFRA 12A1E: Adulterated/Misbranded | <input type="checkbox"/> FIFRA 12A2K: Violate Cancellation Order |
| <input type="checkbox"/> FIFRA 12A1F: Device Misbranded | <input type="checkbox"/> FIFRA 12A2L: Establishment Registration |

☐ FIFRA 12A2A: Label Alter/Detach
☐ FIFRA 12A2B: Refuse Records, Reports Entry
☐ FIFRA 12A2C: False Guaranty
☐ FIFRA 12A2D: Confidential Information Revealed
☐ FIFRA 12A2E: Advertise w/o Classification
☐ FIFRA 12A2F: Restricted Usage

☐ FIFRA 12A2M Falsify Application, Information, etc
☒ FIFRA 12A2N Failure to File Reports
☐ FIFRA 12A2O Add/Remove Substance
☐ FIFRA 12A2P Test Pesticide on Humans
☐ FIFRA 12A2Q Falsify Testing Information
☐ FIFRA 12A2R Falsify Registration Data
☐ FIFRA 12A2S Violate Regulations Under 3(a) or 19
☐ FIFRA 13: Stop Sale, Remove and Seizure
☐ FIFRA 7: Imports and Exports

10. Settlement Action Type and Date (select one):

(a) 40 CFR Part 22 settlement:

i. ☐ Final Administrative Penalty Order _____ (date clocked in with Regional Hearing Clerk)
ii. ☒ SuperFAPO (under 40 CFR See 22.13(b) authority) _____ (date clocked in with Regional Hearing Clerk)

(b) ☐ Administrative Orders or Administrative Compliance Orders _____ (date signed by DD or RA)
(c) ☐ Federal Facility Compliance Agreement _____ (date signed by Chief or RA)
(d) ☐ Consent Decree Resolving or Court Order a Civil Judicial Action Lodged _____ (date CD lodged by the Court)
(e) ☐ Consent Decree or Court Order Resolving a Civil Judicial Action Entered _____ (date filed/entered by the Court)
(f) ☐ Judicial Order Amending or Enforcing Consent Decree Entered _____ (date filed/entered by the Court)
(g) ☐ Enforceable Final Order Activity Producing Results _____ (date filed/entered by the Court)
(h) ☐ Non-Lead Participants in Multi-Regional Case _____ (date filed/entered by the Court)

11. List names of all Respondent(s)/Defendants(s). List names if different from the Facilities where the violation(s) occurred. Attach additional sheets as necessary.

J & B Blending And Tech

12. Was any part of this action multi-media? (Yes or No) circle, if Yes, ☒ check all that apply (but exclude the Law/Section set forth in No. 8 above as primary statute):

<input type="checkbox"/> CAA Air Mobile Source Title II	<input type="checkbox"/> §313 and/or CERCLA §103
<input type="checkbox"/> CAA Air Stationary Source other than Title II	<input type="checkbox"/> FIFRA Pesticides
<input type="checkbox"/> CAA Prevention of Accidental Releases §112r	<input type="checkbox"/> RCRA Hazardous Waste Management Subtitle C
<input type="checkbox"/> CERCLA Hazardous Site Response CERCLA other than	<input type="checkbox"/> RCRA Underground Storage Tanks Subtitle I
<input type="checkbox"/> §103 and/or RCRA §3013 or §7003	<input type="checkbox"/> SDWA Underground Injection Control §1421 et seq.
<input type="checkbox"/> CWA NPDES (other than §311 and §404	<input type="checkbox"/> SDWA Public Water Supply (§1414 et seq.)
<input type="checkbox"/> CWA Oil Pollution §311	<input type="checkbox"/> TSCA Asbestos Hazardous Emergency Response Act §201
<input type="checkbox"/> CWA Wetlands §404	<input type="checkbox"/> TSCA Lead Exposure Reduction §409
<input type="checkbox"/> EPCRA Community Right-to-know §313	<input type="checkbox"/> TSCA Polychlorinated Biphenyls §6 e
<input type="checkbox"/> EPCRA Releases Notification/Emergency Preparedness non-	<input type="checkbox"/> TSCA Toxic Substances other than Lead or PCBs

- **IMPORTANT: FIFRA REGISTRATION VIOLATIONS, FIFRA MISLABELING VIOLATIONS, FIFRA VIOLATIONS CONCERNING ADVERTISING OF PRODUCTS, FIFRA STOP SALE ORDERS (WITH NO SPECIFIC LOCATION), AND NOTICE OF DETERMINATIONS (NODs) ARE EXEMPT FROM AN EJSCREEN ASSESSMENT.**

Was the EJSCREEN assessment performed previously by Matthew Lee, e.g., case initiation form? , ☒ and skip this section.

13 EJSCREEN Flag National: ☒ Yes ☐ No
EJSCREEN Flag State: ☒ Yes ☐ No

Enhanced Review for Potential EJ Concerns:

☒ Enhanced Review – Potential EJ Concern Found
☐ Enhanced Review – Potential EJ Concern Not Found
☐ No Enhanced Review

Basis of EJ Determination (Select all that apply):

☐ Community Self-Identification
☒ EJSCREEN data
☐ EPA knowledge of community/location (including inspector observation)

17. SECTIONS NOT BEING UTILIZED

L. INJUNCTIVE RELIEF/COMPLIANCE ACTIONS (Non-SEP) Part 22 settlements w/o inj. relief, SKIP THIS SECTION. IF MORE THAN ONE COMPLYING ACTION TYPE IS SELECTED, PLEASE IDENTIFY A POLLUTANT, AMOUNT, UNIT AND MEDIA FOR EACH.

18. What action did Respondent/Defendant take prior to receipt of settlement/order or will take to return to compliance or meet addl. requirements (other than what has already been reported on the Inspection Conclusion Data Sheet (ICDS))? The Region can take credit for pollutant reductions which result from the Agency's enforcement even though the action being reported on this form does not specifically require such reductions. Where separate penalty and/or compliance orders are issued regarding same violation(s), report the following information for only one of those orders. Select response(s) from the following:

Complying Action Category: (a) REDUCTION OF ONGOING RELEASES

Complying Action Type(s): Select one option below. For additional complying action types with quantitative environmental benefit impacted should be indicated on page 5.

Complying Action Type(s):

- | | |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Cease Pesticide Sale Distribution | <input type="checkbox"/> Pesticide Container Change (on-going) |
| <input type="checkbox"/> Disposal Change | <input type="checkbox"/> Pesticide Destroyed |
| <input type="checkbox"/> Import Pesticide to Foreign Origin | <input type="checkbox"/> Pesticide Returned to Compliance by Manufacturer/Producer (Domestic) |
| <input type="checkbox"/> Pesticide Returned to Compliance | <input type="checkbox"/> Pesticide Secondary Containment Change (on-going) |
| <input type="checkbox"/> Pesticide Advertising Claim Removed | <input type="checkbox"/> Proper Pesticide Use |

REDUCTION/ELIMINATION/TREATMENT

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Potentially Impacted Media</u>
	<u>*(Aggregate amt to be reported to HQ)</u>		<u>(Indicate media for each pollutant)</u>
<u>None</u>	<u> </u>		

Complying Action Category: (b) PREVENTION OF FUTURE RELEASES

Complying Action Type: Select one option below. For additional complying action types with quantitative environmental benefit impacted should be, indicate on page 5.

Complying Action Type(s):

- | | |
|----------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Pesticide Label Revision (Future Production) | <input type="checkbox"/> Pesticide Container Change |
| <input type="checkbox"/> Pesticide Production Ceased | <input type="checkbox"/> Pesticide Secondary Container Change |
| <input type="checkbox"/> Pesticide Advertising Claim Removed (Future Production) | <input type="checkbox"/> Pesticide Manufacturing Change |

*(Aggregate amt to be reported in workbook)

(Indicate media for each pollutant)

Pounds

Land

Complying Action Category: (c) WORK PRACTICES

Complying Action Type(s):

- | | | |
|----------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Auditing | <input type="checkbox"/> Institutional Controls | <input type="checkbox"/> Product Registration |
| <input type="checkbox"/> Certification and Accreditation | <input type="checkbox"/> Labeling - Identification | <input type="checkbox"/> Provide Site Access |
| <input type="checkbox"/> Environmental Management Review | <input type="checkbox"/> Labeling - Material Management | <input type="checkbox"/> Recordkeeping |
| <input type="checkbox"/> Establishment Registration Obtained | <input type="checkbox"/> Monitoring | <input checked="" type="checkbox"/> Reporting |
| <input type="checkbox"/> Establishment Terminated | <input type="checkbox"/> Notification | <input type="checkbox"/> Testing/Sampling |
| <input type="checkbox"/> Financial Responsibility Requirements | <input type="checkbox"/> Permitting | <input type="checkbox"/> Training |
| <input type="checkbox"/> Information Letter Response | <input type="checkbox"/> Planning | <input checked="" type="checkbox"/> Work Practices |

PRIORITY: If applicable, indicate the priority and allocate the cost of Complying Action/Inj. Relief to appropriate priority(ies) listed below:

OECA CORE PROGRAM \$ 0

NATIONAL PRIORITY/AMOUNT \$

REGIONAL PRIORITY/AMOUNT \$

M. SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) INFORMATION? (Yes or No) circle, if Yes, ✓ option(s) below:

19. Categories of SEP(s) (Check all appropriate categories)

Cost (Project Model calculation cost is preferred)

- ☐ (a) Public Health
- ☐ (b) Pollution Prevention (Complete Q. 22)
 - ☐ (1) equipment/technology modifications
 - ☐ (2) process/procedure modification
 - ☐ (3) product reformulation/redesign
 - ☐ (4) raw materials substitution
 - ☐ (5) improved housekeeping/O&M/training/inventory-control
 - ☐ (6) in-process recycling
 - ☐ (7) energy efficiency/conservation
- ☐ (c) Pollution Reduction (Complete Q. 22)
- ☐ (d) Environmental Restoration and Protection
- ☐ (e) Assessments and Audits
- ☐ (f) Environmental Compliance Promotion
- ☐ (g) Emergency Planning and Preparedness
- ☐ (h) Other Program SEP category (specify) _____

20. SEP description _____

21. Is Environmental Justice addressed by impact of SEP? (Yes or No) circle

22. SEP Quantitative environmental pollutants and/or chemicals and/or waste-streams, amount of reductions/eliminations (e.g., emissions/discharges) (Please circle the applicable media and units).

<u>Pollutant/Chemical/Waste Stream</u>	<u>Annual Amount</u>	<u>Units</u>	<u>Media</u>
_____	_____	Pounds	Animals
_____	_____		Humans
_____	_____		Land
_____	_____		Plants

N. SELF-DISCLOSURE (SECTION NOT BEING UTILIZED; PLEASE USE THE GENERIC CCDS FORM).

SYMBOL	<	3LC42	3LC42	3RC00	3RC30	3LC42	3LC40	3LC00
SURNAME	<	Program Staff <i>[Signature]</i>	Enforcement Coordinator	RC <i>[Signature]</i>	ORC Br. Chief <i>[Signature]</i>	Program Branch Chief	Associate Director <i>[Signature]</i>	DD
DATE	<	1/5/17		1/9/17	1/9/17		1/11/2017	

EPA Form 1320-1 (12-70) OFFICIAL FILE COPY

*Fill in concurrence chain. Include, at a minimum: ORC Staff, ORC Br Chf, Prg Staff, Prg Br Chf, DD, RC. ORC and Prg staff need to fill in and sign off on concurrence chain before package is placed into concurrence.

Date: 1/5/17			
ROUTING AND TRANSMITTAL SLIP			
TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1. Kyla Townsend- McIntyre		KLT/M	01/05/2017
2. Russ Swan		R.S.	1/9/17
3. Mary Coe		R.S.	1/9/17
4. Fatima El Abdaoui		FEA	01/10/17
5. Zelma Maldonado Dgw		[Signature]	01/11/2017
6. John Armstead		[Signature]	1.13.17
	Action	For Hand Delivery	Note and Return
	Approval	For Clearance	Per Conversation
	As Requested	For Correction	Prepare Reply
	Circulate	For Your Information	Review
	Comment	Investigate	X Signature
	Coordination	Justify	SEE REMARKS
<p>REMARKS:</p> <p style="text-align: center; font-size: 1.2em;">J & B Blending And Tech</p> <p style="text-align: center; font-size: 1.1em;">FIFRA Section 7 Expedited Consent Agreement and Final Order Settlement Package</p> <p style="text-align: center; font-size: 1.1em;">Docket No.: FIFRA-03-2017-0034 Case #: F-17-066</p> <p style="text-align: center; font-size: 0.8em;">DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions</p>			
FROM: (Name, org. Symbol, Agency/Post) Holly Raguza		Room No. -- Bldg 11-103 Phone No. 4-2170	

FIFRA - Section 7: Case #F-17-066 / Docket #FIFRA-03-2017-0034 - J & B Blending And Tech (EPA Est.
No.68460-PA-001)

CONCURRENCES

SYMBOL <	3LC62	3LC62	3RC10	3RC00	3LC62	3LC60	3LC00	
SURNAME <	H. Raguza <i>H.R.</i>	K. ZZM Townsend	R. Swan <i>R.S.</i>	M. Coe <i>M.C.</i>	F. El EA Abdaoui	Z. MA Maldonado	J. AMS Armistead	
DATE <	1/5/17	01/05/2017	1/9/17	1/9/17	01/10/17	1/11/2017	1/13/17	

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An ESA-FO is Filed Settling Violations of FIFRA with J &B Blending And Tech, of Mckeess Rocks, PA

On XXXXX, EPA signed an Expedited Consent Agreement and accompanying Final Order (CAFO) with J &B Blending And Tech for violation of Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requirements. J &B Blending And Tech failed to submit their Annual Pesticide Production report for 2015 by the annual March 1st due date for their pesticide-production facility located in Mckeess Rocks, PA. When their report was submitted, Mumma Sales reported zero-production for 2015. J &B Blending And Tech agreed to inactivate their Mckeess Rocks, PA establishment number and, as a result, will not be assessed a monetary penalty. This also means that they can no longer produce pesticides at this location. EPA-registered pesticide-producing establishments are required to submit their production reports annually to the Agency, listing the names and types of pesticides they produce, the amounts produced and distributed in the previous year, and the amount they expect to produce in the coming year. (H. Raguza, 4-2170)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Subject: Federal Insecticide, Fungicide, and Rodenticide Act
J & B Blending And Tech
Docket No. FIFRA-03-2017-0034
Expedited Consent Agreement and Final Order

From: Holly S. Raguza
Pesticides and Asbestos Programs Branch (3LC62)

To: John A. Armstead, Director
Land and Chemicals Division (3LC00)

Mary Coe
Regional Counsel (3RC00)

****ENFORCEMENT CONFIDENTIAL****
DO NOT TRANSMIT TO REGIONAL ADMINISTRATOR
OR REGIONAL JUDICIAL OFFICER

The attached Expedited Consent Agreement has been negotiated in settlement of alleged violations of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 *et seq.*, as amended ("FIFRA"), by J & B Blending And Tech at their establishment located in McKees Rocks, Pennsylvania.

On November 10, 2016, EPA sent Respondent an Opportunity for Expedited Settlement and Expedited Consent Agreement with Final Order, alleging that Respondent had violated the pesticide production reporting regulations by:

- 1) Failure to submit the Annual Pesticide Production report for 2015 by the March 1st due date for their pesticide-production facility located in McKees Rocks, Pennsylvania 15136 (EPA Est. No. 68460-PA-001).

For the alleged violations, EPA originally calculated a penalty of \$4950 in accordance with the statutory factors of FIFRA Section 14(a), and EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements ("ERP")*, updated May 2010. Civil penalties for violations of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), are typically calculated in accordance with Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), 40 C.F.R. Part 19, EPA's *ERP*, which require EPA to consider the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. Under the "FIFRA

Section 7 Expedited Settlement Agreement Pilot Program", dated July 22, 2014, the penalty was further reduced to induce a prompt settlement. Based on this information and other mitigating factors, the penalty has been recalculated resulting in a civil penalty of \$0. After further correspondence with Respondent it was determined that J & B Blending And Tech had not produced pesticides in 2015. The ERP states that if a non-producing establishment requests termination of its establishment registration within 20 calendar days after written notification of the violation by EPA, enforcement personnel general should reduce the civil penalty to \$0 unless there are serious factors making such a reduction inappropriate. [Note: If the establishment is re-registered during the five-year statute of limitation time period, any subsequent/future non-reporting violations are subject to a civil penalty without the option of the zero penalty reduction.] J & B Blending And Tech requested termination of their establishment within 20 days of notification, and therefore, the penalty has been reduced to \$0.

This enforcement response makes a sufficient regulatory statement, is consistent with Regional goals and priorities, and is consistent with the intent of the ERP. The staff of the Pesticides and Asbestos Programs Branch recommends that this proposed settlement be accepted.

Therefore, it is recommended that the Director for the Land and Chemicals Division ("Director"), sign the Consent Agreement and, further, that the Director and the Regional Counsel sign the memorandum transmitting the Final Order to the Regional Judicial Officer for signature.

Raguza, Holly

From: Convery, Christine
Sent: Thursday, November 17, 2016 2:44 PM
To: Bennett, John; Schwartz, Kevin
Cc: Raguza, Holly
Subject: RE: U.S. EPA Company #68460 – J&B BLENDING AND TECH: Request for Inactivation of Establishment Number (#68460-PA-1)

Mr. Bennett,

Establishment 68460-PA-1 is now inactive, yes.

As I discussed with Kevin, there is a Consent Agreement and Final Order which was sent to you on 11/10/16. This Consent Agreement can now be edited (on our end) to reflect a "\$0" penalty, since you have inactivated this establishment (meaning that no penalty will be required). I need to speak to our attorney here to see if the Consent Agreement should be in J&B Blending's name or if it must be in PVS Chemicals. Since the establishment was active during the reporting cycle, there is still a violation for not reporting production during that period.

You will hear from me or Holly Raguza in the next couple of weeks with next steps.

Thanks,
Christine

Christine Convery
Compliance and Enforcement Officer | FIFRA Section 7 Coordinator
Pesticides and Asbestos Programs Branch | EPA Region 3
1650 Arch Street | Philadelphia, PA 19103
Phone: 215-814-2249

From: Bennett, John [mailto:Jbennett1@PVSChemicals.com]
Sent: Thursday, November 17, 2016 8:46 AM
To: Convery, Christine <Convery.Christine@epa.gov>; Schwartz, Kevin <kschwartz@PVSChemicals.com>
Cc: Wagner, Earl <Wagner.Earl@epa.gov>
Subject: RE: U.S. EPA Company #68460 – J&B BLENDING AND TECH: Request for Inactivation of Establishment Number (#68460-PA-1)

Thank you and I will considered this matter resolved.

John C. Bennett
Director of Product Safety and Regulatory Compliance
PVS Chemicals, Inc.
10900 Harper Avenue
Detroit, MI 48213
313-921-1200 x5186
440-668-9379 Mobile

JBennett1@PVSCchemicals.com

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From: Convery, Christine [<mailto:Convery.Christine@epa.gov>]

Sent: Wednesday, November 16, 2016 12:48 PM

To: Bennett, John; Schwartz, Kevin

Cc: Wagner, Earl

Subject: U.S. EPA Company #68460 – J&B BLENDING AND TECH: Request for Inactivation of Establishment Number (#68460-PA-1)

RE: Request for Inactivation of Establishment Number: #68460-PA-1

Mr. Bennett,

At your request on November 15, 2016, the following establishment number has been **inactivated**:

Company Number:	68460
Company Name:	J&B BLENDING AND TECH
Establishment Number:	68460-PA-1
Establishment Name:	J&B BLENDING AND TECH
Establishment Site Address:	180 NICHOL AVE, MRIE BLDG 163/164 MCKEES ROCKS, PA 15136
Establishment Mailing Address:	180 NICHOL AVE, MRIE BLDG 163/164 MCKEES ROCKS, PA 15136
Country:	UNITED STATES

Inactive/terminated establishments wishing to engage in pesticide production once more will be required to submit a new application for the facility. Additional information regarding pesticide-producing establishments can be found at the following:

<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>

Please note: when your establishment registration is inactivated/terminated, pesticide production as defined by regulations (including relabeling, repackaging, and formulation) **must not** occur in your facility. Pesticide production is legal only in facilities with active establishment registration. Any pesticide production at an unregistered facility or inactive establishment is an unlawful act under FIFRA subject to civil and/or criminal actions.

If you have any questions about the above, please feel free to contact me, the Region III FIFRA Section Seven Coordinator, Christine Convery (#215-814-2249 / Convery.Christine@epa.gov).

Christine Convery
Compliance and Enforcement Officer | FIFRA Section 7 Coordinator
Pesticides and Asbestos Programs Branch | EPA Region 3
1650 Arch Street | Philadelphia, PA 19103

Raguza, Holly

From: UPS Quantum View <pkginfo@ups.com>
Sent: Friday, November 11, 2016 11:28 AM
To: Raguza, Holly
Subject: UPS Delivery Notification, Tracking Number 1ZA43F711393226573



Your package has been delivered.

Delivery Date: Friday, 11/11/2016
Delivery Time: 11:22 AM

At the request of US EPA, this notice alerts you that the status of the shipment listed below has changed.

Shipment Detail

Tracking Number:	<u>1ZA43F711393226573</u> Richard Pelot, President J & B Blending & Tech 180 NICHOL AVE MC KEES ROCKS, PA 15136 US
Ship To:	
UPS Service:	UPS NEXT DAY AIR SAVER
Number of Packages:	1
Shipment Type:	Letter
Delivery Location:	RECEIVER
Signed by:	ONEIL



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

NOV 10 2016

VIA UPS OVERNIGHT MAIL

Richard Pelot, President
J & B Blending And Tech
180 Nichol Avenue, M.R.I.E. Bldg. 163/164
McKees Rocks, Pennsylvania 15136

Re: Section 7 Notice of FIFRA Requirements
Opportunity for Expedited Settlement within Twenty (20) Days
Establishment No. 68460-PA-001
Case Number: F-17-066
Docket No. FIFRA-03-2017-0034

Dear Richard Pelot:

The U.S. Environmental Protection Agency ("EPA" or the "Agency"), Region III has conducted a review of information available concerning your pesticide producing establishment, J & B Blending And Tech, EPA Establishment Number 68460-PA-001, located at 180 Nichol Avenue, M.R.I.E. Bldg. 163/164, McKees Rocks, Pennsylvania. EPA's review indicates that your establishment failed to comply with the reporting requirements found in Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), which requires any producer operating a registered pesticide-producing establishment to inform EPA of the types, amounts and, if applicable, active ingredients of any pesticides the establishment is producing, has produced, sold, or distributed during the past year. The regulation found at 40 C.F.R. § 167.85(d) requires such pesticide report to be filed annually on or before March 1, even if the establishment has not produced any pesticidal products for that reporting year. EPA has not received your pesticide production report for the 2015 calendar year.

Please review your compliance with the foregoing requirement. If you determine that you are not subject to or have not violated the foregoing requirements, please provide, within fifteen (15) business days, a written explanation, along with any relevant documentation to:

Holly Raguza
U.S. EPA Region III
1650 Arch Street
Mail Code 3LC62
Philadelphia, PA 19103



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Customer Service Hotline: 1-800-438-2474

Rather than engage in lengthy protracted litigation, EPA is offering an expedited settlement process. **To take advantage of an expedited settlement, review, sign, and return to EPA the enclosed Expedited Consent Agreement (“CA” or “Consent Agreement”) within twenty (20) days of receipt of this letter.** Please note that in signing the Consent Agreement, you are certifying that you have corrected the violations and that you are waiving your opportunity for a hearing or an appeal concerning the violations. Pursuant to the enclosed Expedited Consent Agreement, the assessed penalty is **\$1200**. This penalty amount is nonnegotiable¹. This CA, along with the Final Order, will then be signed by appropriate personnel at EPA Region 3, and filed with the Regional Hearing Clerk. After the CA and Final Order are filed, you will receive a copy of the signed and filed documents. The penalty, if applicable, is due after you receive a copy of the filed document.

If you are a non-producing establishment and if you provide proof of non-production and request termination of your establishment registration within twenty (20) calendar days after receipt of this letter, the assessed civil penalty may, at the discretion of EPA, be reduced to zero. However, if your establishment is re-registered during the five-year statute of limitation time period, any subsequent non-reporting violations are subject to a civil penalty without the option of the zero penalty reduction.

This offer expires after twenty (20) days of your receipt of this letter. After twenty (20) days, this settlement offer will be automatically withdrawn, without prejudice to EPA’s ability to file an enforcement action for the cited violations and seek up to the maximum penalty per day for each violation.

In the event that J & B Blending And Tech qualifies as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”), EPA is enclosing a fact sheet which provides information on contacting the SBREFA Ombudsman to comment on Federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve J & B Blending And Tech of its obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve J & B Blending And Tech’s legal rights, J & B Blending And Tech must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Additionally, certain companies may be required to disclose to the Securities and Exchange Commission (“SEC”) the existence of certain pending or known to be contemplated environmental legal proceedings (administrative or judicial) arising under Federal, State or local environmental laws. Please see the enclosed “Notice of Securities and Exchange Commission Registrants’ Duty to Disclose Environmental Legal Proceedings” for more information about this requirement and to aid J & B Blending And Tech in determining whether it may be subject to the same.

Annual Pesticide Production can now be reported online through the secure Central Data Exchange – Section Seven Tracking System (CDX – SSTs). <https://cdx.epa.gov/> Please see the enclosed fact sheet “On-line Reporting of Annual Pesticide Production to EPA” for more information.

¹ This penalty is based on a size-of-business Category I (i.e., Over \$10,000,000 in revenue annually).

If you have any questions or wish to discuss the general circumstances of your case, contact Holly Raguza at 215-814-2170 or via email at raguza.holly@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Fatima El Abdaoui', written in a cursive style.

Fatima El Abdaoui, Ph.D., Chief
Pesticides and Asbestos Programs Branch

Enclosures

Expedited Consent Agreement and Final Order
Small Business Resources Fact Sheet
SEC Notice
Online Reporting Fact Sheet

cc: Dave Scott, Pennsylvania Department of Agriculture (w/o enclosures)

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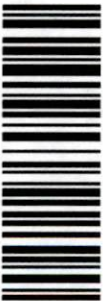


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HOLLY RAGUZA 215-814-2170 US EPA 1650 ARCH ST PHILADELPHIA PA 19103		0.0 LBS LTR	1 OF 1
SHIP TO: RICHARD PELOT, PRESIDENT J & B BLENDING & TECH M.R.J.E. BLDG. 163/164 180 NICHOL AVENUE MCKEES ROCKS PA 15136-2624			
		PA 151 9-60 	
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